

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Bail Appl..No. 6047 of 2015

CRIME NO. 604/2015 OF VECHUCHIRA POLICE STATION, PATHANAMTITTA

PETITIONER(S)/ACCUSED 1 TO 3:

1. VIPIN V.P., AGED 26 YEARS,
S/O.PUSHKARAN, VAZHAPALLIL HOUSE,
EDAKADATHY KOLLAMULA VILLAGE,
VECHUCHIRA, RANNY TALUK.
2. KALESH, AGED 35 YEARS,
S/O.BALAN, VAKAVAYALIL HOUSE,
EDAKADATHY KOLLAMULA VILLAGE,
VECHUCHIRA, RANNY TALUK.
3. SHAJI V.K. AGED 38 YEARS
S/O.KRISHNAN
VARAYATHU EDAKADATHY KOLLAMULA VILLAGE,
VECHUCHIRA, RANNY TALUK.

**BY ADVS.SRI.C.K.VIDYASAGAR
SRI.P.CHANDY JOSEPH**

RESPONDENT(S)/COUNTER PETITIONERS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.
2. SUB INSPECTOR OF POLICE,
VECHUCHIRA POLICE STATION, KOLLAMULA VILLAGE,
PATHANAMTHITTA DISTRICT-68965.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A No.6047 of 2015

Dated this the 7th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.604/2015 of Vechuchira Police Station registered for offences punishable under Sections 332, 294(b) and 427 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 07-09-2015 at about 12.45 p.m., while the defacto complainant (Sub Inspector of Police) and his party were on patrol duty, the petitioners and other ten identifiable persons resisted the Sub Inspector of Police in discharging his official duties. It is also alleged that a button on the uniform of a police constable was broken in the melee.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. It is submitted that the petitioners along with others were waiting on the side of a road for joining a procession

organized by S.N.D.P Union of Erumely. At that time, the Police Officer came and questioned the purpose of their standing there. According to the petitioners they did not do any act as alleged by the defacto complainant. After hearing the counsel on both sides and after perusing the materials on records, I find that no custodial interrogation may be necessary in this case. Hence, following directions are made :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, the petitioners shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioners shall appear before the Investigating Officer as and when directed.

4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

amk